



Promoting the wise use of land

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

MEETING DATE November 4, 2013	CONTACT/PHONE Stephanie Fuhs 781-5721 (sfuhs@co.slo.ca.us)	APPLICANT PEDP, Inc.	FILE NO. CO 13-0048 SUB2013-00010
SUBJECT Hearing to consider a Request by PEDP, Inc., a California Corporation , for a Vesting Tentative Parcel Map (CO 13-0048) to subdivide an existing 2.41 acre parcel into two parcels of 1.41 and 1.00 acres each for the purpose of sale and/or development. The project is the re-subdivision of Parcel 16 of Tract 2368, a commercial service subdivision that was recorded in 2006. The proposal will not increase the maximum amount of square footage allowed on the original parcel or increase the allotted amount of water that was approved with the previous subdivision. The proposed project is within the Commercial Service land use category and is located at 4875 Morabito Place, at the southeastern intersection of Morabito Place and Prospect Street, approximately 1,000 feet south of the southeastern boundary of the City of San Luis Obispo. The site is in the San Luis Obispo planning area.			
RECOMMENDED ACTION Approve Vesting Tentative Parcel Map CO 13-0048 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator found that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Mitigated Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Mitigated Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; and 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Mitigated Negative Declaration has been identified. No new mitigation measures have been proposed.			
LAND USE CATEGORY Commercial Service	COMBINING DESIGNATION Airport Review Area	ASSESSOR PARCEL NUMBER 076-512-016	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: 22.108.020 - Areawide Standards, 22.108.050 –San Luis Obispo Urban Area Standards			
LAND USE ORDINANCE STANDARDS: Subdivision design standards for the Commercial Service land use category			
EXISTING USES: Wholesale landscape/irrigation company on Parcel 2			
SURROUNDING LAND USE CATEGORIES AND USES: <div style="display: flex; justify-content: space-between;"><div><i>North:</i> Commercial Service/Undeveloped <i>South:</i> Agriculture/vineyard</div><div><i>East:</i> Agriculture/Grazing, vineyard <i>West:</i> Public Facilities/SLO County Regional Airport</div></div>			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, County Parks, Cal Fire, ALUC, Airport Manager, Cal Trans, City of San Luis Obispo			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

TOPOGRAPHY: Mostly level	VEGETATION: Grasses, ornamentals
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Cal Fire	ACCEPTANCE DATE: August 29, 2013

ORDINANCE COMPLIANCE

Minimum Parcel Size

Section 22.22.090 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Commercial and Office land use categories. The standards are based on the type of water supply and sewage disposal. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for 6,000 square foot parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Water Supply and Sewage Disposal	Community Water Community sewer	6,000 square feet

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Inclusionary Housing Fees

Title 29, the Affordable Housing Fund, establishes an in-lieu fee to create a fund that would help to meet, in part, the housing needs of the County's very low, low, moderate income and workforce households. Section 22.12.080 of Title 22, the Land Use Ordinance, describes the options the applicant may choose to satisfy the requirement.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

BACKGROUND

Tract 2368, a 26-lot commercial service planned unit development subdivision, was approved by the Planning Commission in August 2003 and recorded in 2006. The subdivision included 23 developable lots and three parcels to be used for drainage basins, water facilities/storage and infrastructure.

Currently, there is development on three parcels within the overall subdivision (a completed 9,700 square foot office building on Lot 7, a 46,000 square foot office structure on old Lot 20 of Tract 2368 – amended to Lot 1 of COAL 11-086 with approval of the land use permit and concurrent lot line adjustment in 2011, and a 10,500 square foot warehouse building with outdoor storage yard on Lot 16). A Conditional Use Permit for a 26,500 square foot office

building on old Lot 19 (now Lot 3 of COAL 11-0086) was approved by the Planning Commission on September 13, 2012 and is currently under construction, a Minor Use Permit for a 26,000 square foot building to house a small manufacturing company on Lot 17 was approved at a Planning Department Hearing on October 16, 2012 and another Minor Use Permit was approved on April 19, 2013 – a Minor Use Permit for two commercial buildings totaling 13,000 square feet with a 7,000 square foot outdoor storage yard on Lot 6. The most recent land use permit approved in the subdivision was for a 10,600 square foot office building on Lot 12, with one Minor Use Permit for a 25,000 square foot small scale manufacturing building scheduled for hearing November 1, 2013.

The assumptions during review of Tract 2368, in order to provide mitigation measures primarily for water supply and traffic, were that there would be a total of 1,000 employees once all of the parcels were developed. Overall structural development within the subdivision was limited to 500,000 square feet. Conditions of approval provided a formula for the maximum square footage per parcel based on the parcel size as well as a formula for calculating the water allotment per parcel.

Since this is a re-subdivision of Lot 16, proposed Parcel 1 (the vacant parcel) will need to comply with the original conditions regarding the maximum square footage as well as the water allotment, along with the other conditions. Based on the original conditions, the maximum square footage allowed for Lot 16 was 27,084 square feet. Proposed Parcel 2 of the current map is developed with a 10,500 square foot wholesale landscape/irrigation company, leaving approximately 16,600 square feet allowable for the original parent parcel. Based on the formula from the original conditions, the maximum square foot allowable for Parcel 1 is 11,238 square feet with 5,362 square feet additional square footage allowable for proposed Parcel 2 should the owner want to add on to the existing facility. This calculation is based on the following formula from the original conditions of approval:

$$\begin{aligned} &\text{Individual lot acreage (gross)}/\text{"project" acreage (44.49 acres)} \times 500,000 \text{ square feet} = \\ &\quad \text{maximum building square footage for individual lot.} \\ &\text{(e.g. 1 acre lot}/44.49 \text{ acres} \times 500,000 \text{ sf} = 11,238 \text{ sf}) \end{aligned}$$

With regards to water, each parcel received an allocation based on parcel size. The current drought year allocation for Lot 16 is .75 acre feet per year (afy). This allocation would remain in effect for the current subdivision based on the following formula:

$$\begin{aligned} \text{Parcel 1} &\quad 1.0 \text{ acre}/2.41 \text{ (existing parcel size)} \times 0.75 \text{ afy} = 0.31 \text{ afy} \\ \text{Parcel 2} &\quad 1.41 \text{ acre}/2.41 \text{ (existing parcel size)} \times 0.75 \text{ afy} = 0.44 \text{ afy} \end{aligned}$$

The current subdivision is proposed on Lot 16 of Tract 2368. Lots 14, 15 and 16 of this subdivision are directly adjacent to the Tolosa vineyard and winery to the southeast. Conditions of approval were added to the original tract map and conditional use permit to address potential incompatibilities between the agricultural use and commercial service uses, including landscape screening, a requirement for a Minor Use Permit for those parcels and right-to-farm disclosure.

All three of these parcels (Lots 14, 15 and 16) were discussed with the Agricultural Commissioner's office. Their recommendation is for a 200-foot buffer from the edge of the vineyard (20 feet from the edge of the grapes to the property line) to any structure used for full-time employment; however, it was also stated that if the buildings were oriented with windows and the majority of the doors away from the existing agricultural operations and if the owner of the vineyard was notified of future development, they would not dispute a lesser buffer if justified in the staff report and recommendations. The future use on proposed Parcel 1 is for

construction of the Farm Bureau office, however, the formal plans for the Minor Use Permit have not been submitted at the time this staff report was being prepared. Therefore, staff is recommending that the project be approved as proposed with conditions added to address the adjacent agricultural operation.

PLANNING AREA STANDARDS

22.108.020 - Areawide Standards:

Applicable standards include undergrounding of utilities, application referral to the City of San Luis Obispo, transit-oriented standards and highway corridor design. As proposed and conditioned, the project meets these standards (see discussion below).

A condition has been added to the project that all utilities shall be installed underground. The application was referred to the City of San Luis Obispo Community Development Department and Public Works Department for review and comment. Transit-oriented standards pertain to projects with employment centers of 100 jobs or more. When the subdivision was being finalized, the applicant at that time paid into a regional transportation fund to provide bus service in the area. The Regional Transit Authority does not have a bus stop next to this subdivision or at the San Luis Obispo Regional Airport, but does have a stop within approximately one mile of the project (at the Marigold Center in the City of San Luis Obispo). Highway corridor design standards were incorporated into the original conditions of approval for the subdivision and the prior Conditional Use Permit including building and landscape corridors, limited fencing, and screening of parking areas.

22.108.050 –San Luis Obispo Urban Area Standards:

Applicable standards include providing an on-site water supply, limitations on use, airport area standards, landscaping standards and an allowance for a reduction in the number of required parking spaces. As proposed and conditioned, the project complies with these standards (see discussion below).

The project is served by the East Airport Fiero Lane Water Company for water and the Fiero Lane Water Company for sewer. With regard to the airport area standards, the subdivision was required to design for dry sewer and water facilities for future connection to City systems if annexed in the future, and is required to have the wastewater system inspected annually.

COMBINING DESIGNATIONS

Airport Review Area (AR)

Properties located in the AR area are required to have Airport Land Use Commission (ALUC) review to allow for a determination of consistency with the Airport Land Use Plan (ALUP). Tract 2368, a 26-lot commercial service planned unit development subdivision was reviewed by the ALUC on April 4, 2001. The project was found consistent with ALUP. A few of the design elements of the tract resulted from that review. The most significant is the somewhat perpendicular alignment of Kendall Road with the Runway 7-25 and wide dimension of Kendall Road, free from street light poles and center divider trees. The rationale behind this street alignment was to have an open and suitable area for an aircraft to touchdown in the case of an engine/mechanical failure at either a departure or approach to Runway 7-25. The orientation, alignment and wide dimension of Kendall Road also allows for an Airport Compatible Open Space inside this tract, which according to the ALUP, allows for an increase in non-residential density from 40 people per acre to a maximum of 50 people per acre.

Another notable condition set forth by the ALUC was that future projects within Tract 2368 comply with the current ALUP regarding density. The ALUP allows up to 50 people per acre in Safety Area S-1c, therefore, the allowable density is 50 people x 1.0 acres = 50 people maximum on this site (proposed Parcel 1). Future development will need to comply with this standard.

Condition Compliance with the previously approved CUP

The conditions of approval for the previously approved CUP as amended by subsequent land use permits within Tract 2368 are attached for reference. Future development on either parcel is required to comply with these conditions. A condition for this map has been added accordingly.

ENVIRONMENTAL DETERMINATION

Since the project was approved in 2003, a new Clean Air Plan was adopted by the Air Pollution Control District (APCD). The conditions of approval incorporate the new policies and standards from the 2009 Clean Air Plan. Conditions of approval have been added accordingly and do not represent a significant change to the previously adopted Mitigated Negative Declaration warranting additional environmental review. Therefore staff prepared an addendum to the previously issued Mitigated Negative Declaration outlining the change to the overall project description, but showing that the impacts associated with the new parcel are the same because the overall maximum square footage and water usage allowed will not change.

AGENCY REVIEW:

Public Works - Recommended conditions for access improvements, offers, fees and additional map sheet

Environmental Health – Preliminary evidence letter received and attached

Ag Commissioner – Verbal response regarding recommended buffers as discussed above

County Parks – No comments received

Cal Fire – No comments received

ALUC – Issues resolved in review of Tract 2368

Airport Manager – FAA compliance required for future development

Cal Trans – No comments received

LEGAL LOT STATUS:

The one lot was legally created by a recorded map (lot 16, Tract 2368) at a time when that was a legal method of creating lots.